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STATE OF MISSOURI

ELECTIONS DIVISION
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June 2, 2021

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RECEIVED

JUN 02 2021

STATE AUDITORS OFFICE

RE: Petition approval request from Austin Shaffer regarding a proposed constitutional amendment to Article XXIX (2022-037)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Austin Shaffer on June 2, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

Be it resolved by the people of the state of Missouri that the Constitution be amended:

so that it (a) clarifies the Federal Government duty to uphold the rights of Missouri citizens under the U.S. Constitution, including the Bill of Rights and all other provisions, (b) identifies breaches by the Federal Government, and (c) affirms Missouri's right to assess the severity and consequences of such breaches of the US Constitution.

Article XXIX.

Sec. 1. Duty of Federal Government of the United States to Uphold the Bill of Rights and Constitution

(a) The State of Missouri hereby clarifies its admission as a State into the United States of America. Such application by Missouri and admission by the federal government are, in essence, a governmental compact between the two whereby both parties undertake to fulfill their respective duties.

(b) The Supremacy Clause of the Constitution of the United States and application of the doctrine set forth in Marbury v. Madison together are not designed to give the federal government a "blank check" in this governmental compact. Accordingly, the federal government is obligated to uphold its end of the bargain, or else find itself in breach.

(c) Some breaches of federal government duty may be material, and some may be immaterial.

(d) All breaches of the federal government to uphold each of the provisions of the Bill of Rights, including the Tenth Amendment, of the Constitution of the United States is a material breach.

(e) Failure of the federal government to allow states to propose Constitutional amendments under Article V of the Constitution of the United States of America is also a material breach.

(f) The State of Missouri reserves the right to address breaches, both material and immaterial, as it may determine proper, following good faith efforts to reconcile such breaches and allowing the federal government a period in which it can remedy its breach of contract.

Sec 2. Federal Breaches

The following actions by the United States of America constitute breaches of the Constitutional compact it has with the State of Missouri:

(a) The excessive use of executive orders by the President of the United States of America, except in the case of live military conflict, circumventing the representative legislative process;

(b) The excessive and reckless incurrence of debt, except in the case of anticipated or live military conflict;

(c) Failure to effectively protect the borders of the country from unauthorized entry or invasion;

(d) Failure by the Justice Department and Supreme Court of the United States of America to (i) equally enforce the rule of law, (ii) imbue citizens with confidence that the results of national elections are free and fair, and (iii) provide prompt enforcement of criminal laws without endless delays due to investigations often times resulting in no meaningful enforcement action;

(e) Failure by the federal government to protect the right of the State of Missouri under the Tenth Amendment to the Constitution of the United States of America to exercise powers not specifically

given to the federal government, including the power to protect life and protect marriage as Missouri determines best;

(f) Dramatically curtailing freedom of speech of all kinds, in both the public and private arena;

(g) Increasingly curtailing freedom of worship with only the least restrictive means of governmental limitation to serve a compelling governmental interest;

(h) Congress effectively ignoring the right of States to propose amendments to the Constitution of the United States of America under Article V; and,

(i) In the name of protection, creating and deploying espionage tools stripping Americans of their sense of privacy of thought, speech, and action, and use of electronic tools of all kinds.

Sec 3, Significance of such Breaches

The severity of such breaches, and which, if any of them, are immaterial, and the consequences thereof are for the State of Missouri to assess and decide.